

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TERRENCE TAYLOR,

Plaintiff,

v.

**9:09-CV-1036
(FJS/DEP)**

**PANG KOOL, Chief Medical Doctor at Auburn
Correctional Facility, individually and officially;
J. DOLAN, Doctor at Auburn Correctional
Facility, individually and officially; NANCY
RYERSON, Nurse Administrator at Auburn
Correctional Facility, individually and officially;
J. BARETTE, Registered Nurse at Auburn
Correctional Facility, individually and officially;
and DR. GRACEFFO,**

Defendants.

APPEARANCES

OF COUNSEL

TERRENCE TAYLOR

87-A-1749

Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol
Albany, New York 12224
Attorneys for Defendants

MICHAEL G. MCCARTIN, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court are Magistrate Judge Peebles' February 29, 2012 Report and Recommendation, *see* Dkt. No. 61, and Plaintiff's objections thereto, *see* Dkt. No. 63.

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983 in the United States District Court for the Southern District of New York. *See* Dkt. No. 1. After the case was transferred to this District, *see* Dkt. No. 5, Plaintiff filed an amended complaint as a matter of right on October 2, 2009, *see* Dkt. No. 8. Two months later, on December 14, 2009, Plaintiff sought leave to amend his complaint to permit restoration of his previously-dismissed claims against Physician's Assistant Laux, a DOCCS employee at Auburn Correctional Facility, and the addition of Dr. Graceffo, a present or former prison physician at Auburn Correctional Facility, as a named Defendant. *See* Dkt. No. 20. Shortly thereafter, Defendants filed an application seeking dismissal of Plaintiff's claims. On September 22, 2010, Magistrate Judge Peebles issued a Report and Recommendation, in which he recommended that the Court grant Plaintiff's motion for leave to amend and grant in part Defendants' motion to dismiss, specifically dismissing Plaintiff's claims against Glenn S. Goord, Dr. Lester Wright, and Superintendent Graham. *See* Dkt. No. 42. This Court adopted Magistrate Judge Peebles' Report and Recommendation on September 24, 2010. *See* Dkt. No. 44.

On October 20, 2010, Plaintiff filed a second amended complaint. *See* Dkt. No. 48. In his second amended complaint, Plaintiff set forth a single claim for deliberate indifference to his serious medical needs in violation of the Eighth Amendment and sought compensatory and punitive damages, including future lost earnings. On August 2, 2011, Defendants filed a motion for summary judgment, which Magistrate Judge Peebles recommended that this Court grant in his February 29, 2012 Report and Recommendation.

In reviewing a magistrate judge's report and recommendation, the district court may decide to accept, reject or modify those recommendations. *See* 28 U.S.C. § 636(b)(1). The court

conducts a *de novo* review of the portions of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 917 (S.D.N.Y. 1991).

The Court has conducted a *de novo* review of Magistrate Judge Peebles' very thoughtful and thorough resolution of Plaintiff's Eighth Amendment claims and has carefully considered each of Plaintiff's objections to Magistrate Judge Peebles' conclusions and recommendations. Having completed that review, the Court hereby

ORDERS that Magistrate Judge Peebles' February 29, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

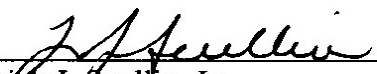
ORDERS that Defendants' motion for summary judgment is **GRANTED** with respect to all remaining claims contained in Plaintiff's second amended complaint; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 20, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge